



JESSE PANUCCIO  
Tel.: (202) 237-2727  
jpanuccio@bsfllp.com

April 25, 2023

**BY ECF AND EMAIL**

**MEMO ENDORSED**

Hon. Katherine Polk Failla  
United States District Judge  
U.S. District Court for the Southern District of New York  
Thurgood Marshall Courthouse  
40 Foley Square, Courtroom 618  
New York, NY 10007  
Failla\_NYSDChambers@nysd.uscourts.gov

**Re: *Walmart Inc., et. al. v. Capital One, N. A.*,  
Case No. Case No. 23-cv-02942-KPF**

Dear Judge Failla:

We represent Plaintiffs in this matter and write in reference to the Court's order of April 20, 2023, which set a conference for May 3, 2023, at 3:00 p.m. *See* Doc. 35. Unfortunately, the undersigned has a conflicting obligation at that same date and time. Earlier today, the undersigned and Defendant's counsel contacted Chambers to discuss a potential alternative date and time for the hearing. We were informed that the Court may have time available on Thursday, May 4, 2023, at 3:00 p.m. or later. Accordingly, Plaintiffs respectfully request that the conference be moved to that date and time. Defendant's counsel has agreed to this change.

If the Court is unable to reschedule the conference to May 4, then we respectfully request that the originally scheduled date and time remain in place.

Thank you for your consideration of this request.

Respectfully submitted,

s/ Jesse Panuccio  
Jesse Panuccio (*pro hac vice*)

Application GRANTED. The conference currently scheduled for May 3, 2023 is hereby ADJOURNED to 3:30 p.m. on **May 4, 2023**.

The Clerk of Court is directed to terminate the motion at docket entry 36.

Dated: April 25, 2023  
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE